

AGN. NO. _____

MOTION BY SUPERVISORS MICHAEL D. ANTONOVICH AND
SUPERVISOR DON KNABE

July 17, 2007

**AMENDMENT TO ITEM #77: CORRECTIVE ACTION PLAN FOR COUNTYWIDE
ENHANCED SPECIALIZED FOSTER CARE MENTAL HEALTH SERVICES**

In 2002, a class action lawsuit (Katie A.) was filed against the State of California and Los Angeles County alleging that children in contact with the County's foster care system were not receiving adequate mental health and other services to which they were entitled. In response, the County developed a two-phased Enhanced Specialized Foster Care Mental Health Services Plan. In October 2005, Phase I was implemented to address the mental health needs of children in Service Planning Areas (SPAs) 1, 6 and 7. Phase II was to be implemented in the remaining SPAs following successful implementation of Phase I. In November 2006, the Federal Court ordered the County to make a number of modifications to Phase I in order to bring the County into greater programmatic compliance with the Federal Court Order.

We have before us today the revised Phase I and partial Countywide Implementation Plan to prevent children's entry into foster care placements or to transition them out of congregate care settings into permanency. The projected annual cost of implementation is \$90.3 million dollars, to be funded primarily through Early and Periodic Screening, Diagnosis and Treatment (EPSDT) State General Funds and EPSDT - Federal Financial Participation Medi-Cal. Yet it is unknown whether the County is currently documenting and claiming EPSDT adequately; and the funding source(s) to support approximately \$33 million dollars of the total initial cost remains undetermined. Plaintiffs' Counsel in the Katie A. litigation is currently attempting to resolve EPSDT claiming issues and ambiguities. Therefore, it is fiscally imprudent to

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approve the modified County Plan without full determination of necessary funding sources and staffing requirements.

A stated purpose of Mental Health Services Act (MHSA) is to prevent the incidence of untreated serious mental illness and reduce its long-term adverse impact on individuals, families, state and local budgets. Given the self-evident high incidence of mental illness among foster children who have suffered abuse or neglect, the loss of their biological parents and multiple subsequent foster care placements, it is important that the County look for ways to maximize the use of MHSA dollars in serving the mental health needs of our most vulnerable and deserving foster children.

WE, THEREFORE, MOVE that the Los Angeles County Board of Supervisors direct the Chief Executive Officer to:

1. Move forward with those portions of the modified County Plan that do not require budgetary changes;
2. Report back in open session on August 7, 2007, in consultation with the Departments of Mental Health (DMH) and Children and Family Services (DCFS) with an implementation timetable and financing options for the modified County Plan;
3. Monitor, in consultation with DMH, efforts of the Katie A. Plaintiffs' Counsel to resolve EPSDT claiming issues; and
- 4..Report back in open session in 60 days, in consultation with DMH and DCFS, on efforts to enhance EPSDT claiming practices and to identify MHSA funding opportunities to ensure that any available funding can be maximized to serve the mental health needs of foster children.

WE FURTHER MOVE that the Board continue action on the modified County Plan to its meeting of August 7, 2007, pending receipt of the Chief Executive Officer's report.

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